

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES**

JULY 1999

MEMBERS:

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Sen. Bruce W. MacKinnon

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....Bill carried over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

LD 1003**An Act to Allow for Navigation in Areas of Elver Fishing****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER HARRIMAN	ONTP	

LD 1003 proposed to prohibit a person from setting an elver fyke net or Sheldon eel trap in the middle portion of a river, brook, stream or other watercourse that can be navigated by a vessel. The bill also proposed to require a person who sets an elver fyke net or Sheldon eel trap to mark the locations of the net or trap and all associated lines and anchors so that the locations are clearly visible to the operator of a vessel.

LD 1079**An Act to Establish a Framework for Management of Emerging Fisheries****PUBLIC 297**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-264

LD 1079 proposed to establish authority in the Department of Marine Resources to require an endorsement in conjunction with a commercial fishing license in the event a new or emerging fishery is begun as a means of initiating management to avoid development of the fishery beyond a sustainable level. It proposed to require that the commissioner report the circumstance to the joint standing committee of the Legislature having jurisdiction over marine resources matters. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-264) proposed to authorize the Commissioner of Marine Resources to investigate conditions affecting marine resources and require an endorsement on a commercial fishing license for a harvester to participate in an emerging fishery that is under increasing pressure that could impact its sustainability. The amendment proposed to authorize the commissioner to control the number of individuals engaged in an emerging fishery by limiting the number of endorsements issued for a specific marine organism. The amendment proposed to require the commissioner to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the status of an emerging fishery within 24 months of the issuance of the first endorsement for that fishery.

Enacted law summary

Public Law 1999, chapter 297 authorizes the Commissioner of Marine Resources to investigate conditions affecting marine resources and require an endorsement on a commercial fishing license for a harvester to participate in an emerging fishery that is under increasing pressure that could impact its sustainability. The law authorizes the commissioner to control the number of individuals engaged in an emerging fishery by limiting the number of endorsements issued for a specific marine organism. The law requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the status of an emerging fishery within 24 months of the issuance of the first endorsement for that fishery.

LD 1111**An Act to Clarify the Lobster V-Notch Law****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT	ONTP	

LD 1111 proposed to allow a person to possess a v-notch lobster if the notch cut measures 1/8 inch or less into the flipper.

LD 1113 An Act to Prohibit Elver Fyke Nets on Certain Rivers ONTP

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1113 proposed to prohibit the use of elver fyke nets on certain portions of the Pennamaquan, Machias, East Machias, Dennys, Narraguagus, Union, Penobscot, Ducktrap, Kennebec, Androscoggin, Saco and York Rivers.

LD 1115 An Act to Ensure Safety in the Sale of Shellfish DIED BETWEEN BODIES

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1115 proposed to limit shellfish harvesters who are not also certified shellfish dealers to selling shellfish they have harvested only to certified dealers or to the final consumer. This bill was submitted on behalf of the Department of Marine Resources.

LD 1116 An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture PUBLIC 156 EMERGENCY

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-124 GOLDTHWAIT
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LD 1116 proposed to expand the exemption for the possession of an organism grown on aquaculture lease sites that is less than the minimum or more than maximum size allowed from finfish only to any marine organism approved for growing on a lease site. The bill also proposed to provide that a special license may authorize the holder to sell, ship or transport a marine organism that is less than the minimum legal size if the organism is grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement. This bill was submitted on behalf of the Department of Marine Resources.

Senate Amendment "A" (S-124) proposed to add an emergency preamble and emergency clause to the bill and to repeal the repeal date for the Salmon Aquaculture Monitoring, Research and Development Fund and the Maine Salmon Aquaculture Advisory Council.

Enacted law summary

Public Law 1999, chapter 156 expands the exemption for the possession of an organism grown on aquaculture lease sites that is less than the minimum or more than maximum size allowed from finfish only to any marine organism approved for growing on a lease site. The law also provides that a special license may authorize the holder to sell, ship or transport a marine organism that is less than the minimum legal size if the organism is grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement. The law also repeals the repeal date for the